

EXHIBIT G



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CONFIDENTIAL

November 15, 2023

VIA EMAIL AND FEDEX

Joseph M. Alioto
Alioto Law Firm
One Sansome Street, 35th Floor
San Francisco, CA 94104
jmalieto@aliotolaw.com

Re: Whalen v. Kroger Co., No. 3:23-cv-00459-VC (N.D. Cal.)

Dear Counsel:

In response to the Court's order (ECF No. 103), enclosed please find the documents submitted by The Kroger Co. ("Kroger") to the U.S. Federal Trade Commission ("FTC") in response to the Request for Additional Information and Documentary Material issued to Kroger on December 5, 2022 related to Kroger's proposed acquisition of Albertsons ("Second Request").

This production is comprised of two parts:

- (1) the 26 volumes of documents submitted to the FTC in response to the Second Request, along with one overlay volume of de-privileged documents; and
- (2) the narrative responses and the exhibits and non-custodial documents supporting those narrative responses submitted to the FTC in response to the Second Request.

The first part of the production is on encrypted hard drives and has been sent via FedEx by our eDiscovery vendor, KLDISCOVERY, to the name and address specified in Lawrence Papale's November 14, 2023 email. The following chart provides the volume name and Bates range associated with each volume included in the first part of this production.



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Volume	Beginning Bates Number	End Bates Number
KRPROD 001	KRPROD-FTC-2R-0000000001	KRPROD-FTC-2R-001085094
KRPROD 002	KRPROD-FTC-2R-001085095	KRPROD-FTC-2R-002576548
KRPROD 003	KRPROD-FTC-2R-002576549	KRPROD-FTC-2R-003958825
KRPROD 004	KRPROD-FTC-2R-003958826	KRPROD-FTC-2R-004449400
KRPROD 005	KRPROD-FTC-2R-004449401	KRPROD-FTC-2R-004887725
KRPROD 006	KRPROD-FTC-2R-004887726	KRPROD-FTC-2R-005528742
KRPROD 007	KRPROD-FTC-2R-005528743	KRPROD-FTC-2R-006207837
KRPROD 008	KRPROD-FTC-2R-006207838	KRPROD-FTC-2R-010832714
KRPROD 009	KRPROD-FTC-2R-010832715	KRPROD-FTC-2R-012199997
KRPROD 010	KRPROD-FTC-2R-012199998	KRPROD-FTC-2R-014935657
KRPROD 011	KRPROD-FTC-2R-014935658	KRPROD-FTC-2R-015694833
KRPROD 012	KRPROD-FTC-2R-015694834	KRPROD-FTC-2R-016846864
KRPROD 013	KRPROD-FTC-2R-016846865	KRPROD-FTC-2R-017632843
KRPROD 014	KRPROD-FTC-2R-017632844	KRPROD-FTC-2R-018762612
KRPROD 015	KRPROD-FTC-2R-018762613	KRPROD-FTC-2R-020226285
KRPROD 016	KRPROD-FTC-2R-020226286	KRPROD-FTC-2R-021846974
KRPROD 017	KRPROD-FTC-2R-021846975	KRPROD-FTC-2R-021881818
KRPROD 018	KRPROD-FTC-2R-021881819	KRPROD-FTC-2R-023802268
KRPROD 019	KRPROD-FTC-2R-023802269	KRPROD-FTC-2R-023846255
KRPROD 020	KRPROD-FTC-2R-023846256	KRPROD-FTC-2R-026530885
KRPROD 021	KRPROD-FTC-2R-026530886	KRPROD-FTC-2R-027055001
KRPROD 022	KRPROD-FTC-2R-027055002	KRPROD-FTC-2R-027395610
KRPROD 023	KRPROD-FTC-2R-027395611	KRPROD-FTC-2R-027408461
KRPROD 024	KRPROD-FTC-2R-027408462	KRPROD-FTC-2R-028261301
KRPROD 025	KRPROD-FTC-2R-028261302	KRPROD-FTC-2R-028463778
KRPROD 026	KRPROD-FTC-2R-028463779	KRPROD-FTC-2R-028469742
KRPROD_ OVERLAY 002	N/A	N/A

The password for the first part of the production is 78669540.

The second part of this production has been sent via Fedex to the name and address specified in Lawrence Papale's November 14, 2023 email, in part by Arnold & Porter and in part by Kroger's retained economic consultants at Compass Lexecon. Arnold & Porter has sent one encrypted hard drive containing all of Kroger's narrative responses to the Second Request and the exhibits and non-custodial documents submitted by Kroger in response to Second Request Specifications 1, 5, 17, 23, 27-28, 33-34, 45, 52, 55, 61,

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63-64, 66, 71-72, 75, 77-78, and 80-81. Compass Lexecon has sent two encrypted hard drives containing the exhibits submitted by Kroger in response to Second Request Specifications 2-4, 6, 9-12, 14-16, 24-25, 41-43, 48-49, and 53.

The password for the second part of the production is HCF=&jBw/oiF6t4^.

If any privileged or protected materials are included in this production, that disclosure was inadvertent and is not a waiver of any claim of privilege or protection. Should you find any privileged or protected materials in this production, please notify us and refrain from viewing any such material.

We are producing the documents and information contained in this production subject to the Protective Order entered in this matter (ECF No. 82). All the documents and information included in this production have been designated “HIGHLY CONFIDENTIAL” under the Protective Order. In the interest of time, given the millions of pages included herein, the documents and information in this production retain the confidentiality stamp with which they were produced to the FTC in response to the Second Request, typically a “CONFIDENTIAL” stamp. However, many of the documents included in this production contain “HIGHLY CONFIDENTIAL” information as defined in the Protective Order; accordingly, we reserve the right to restamp any document previously stamped “CONFIDENTIAL” as “HIGHLY CONFIDENTIAL” in whole or in part. We request that Plaintiffs consult with us before disclosing any document in this production to any person not entitled to review “HIGHLY CONFIDENTIAL” documents under the Protective Order.

We also take this opportunity to emphasize the importance of maintaining the confidentiality of the documents and information in this production. This production contains highly sensitive information, the disclosure of which could cause irreparable harm to Kroger’s business. Please be aware that Kroger reserves all right and remedies, including seeking damages from Plaintiffs’ counsel, in the event of an unauthorized disclosure in violation of the Protective Order.

Sincerely,



Sonia Pfaffenroth



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Enclosures (via FedEx)

CC: Lawrence Papale (lgpapale@papalelaw.com)
Tatiana Wallace (twallace@aliotolaw.com)
Josephine Alioto (jalioto@veenfirm.com)